

# **DISCLAIMER**

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## **PETITION OF**

## **ADELPHIA COMMUNICATIONS CORPORATION**

**CASE NO. PUE-2002-00488**

**For application of § 56-466.1  
of the Code of Virginia to pole  
attachment practices of  
Northern Virginia Electric  
Cooperative**

## **HEARING EXAMINER'S RULING**

**November 13, 2002**

On September 11, 2002, Adelphia Communications Corporation ("Adelphia") filed a Petition with the State Corporation Commission ("Commission") against Northern Virginia Electric Cooperative ("NOVEC"). In its Petition, Adelphia seeks the Commission's intervention in failed pole attachment rate negotiations with NOVEC. On November 7, 2002, the Commission issued its Order Establishing Proceeding, in which the Commission assigned the matter to a Hearing Examiner and directed the Examiner to issue a ruling establishing an expeditious procedural schedule. In addition, the Commission directed the Hearing Examiner to submit a report and recommendations that address: (i) the applicability of § 56-6 of the Code of Virginia, including Adelphia's standing to invoke the Commission's jurisdiction thereunder; (ii) findings of fact regarding NOVEC's compliance with § 56-466.1 B; (iii) the applicability of the provisions of § 56-466.1, including § 56-466.1 C, as it relates to Adelphia's Petition; (iv) remedies, if any, available to the Commission; (v) recommended remedies, if any; and (vi) other findings and recommendations as warranted.

Upon consideration of the Petition and the pleadings filed herein, I find that a hearing should be scheduled to receive evidence on the Petition, and that all testimony and exhibits to be presented in this case should be prefiled with the Commission, and later sponsored and subjected to cross-examination on the hearing date. Accordingly,

### **IT IS DIRECTED:**

(1) That a hearing is scheduled for January 7, 2003, at 10:00 a.m. for the purpose of receiving evidence on the Petition;

(2) That, on or before December 11, 2002, Adelphia shall file with the Clerk of the Commission an original and fifteen (15) copies of any prefiled direct testimony and exhibits it intends to offer at the hearing. The prefiled direct testimony of Adelphia may be in the form of questions and answers, narrative statement, or any other written documents which clearly state the nature of Adelphia's claim, the specific relief sought, and the legal and factual reasons

supporting the claim. In addition, on or before December 11, 2002, Adelphia shall serve a copy of its prefiled direct testimony and exhibits on NOVEC;

(4) That, on or before December 20, 2002, NOVEC shall file with the Clerk of the Commission an original and fifteen (15) copies of any testimony and exhibits it intends to present at the hearing, and shall simultaneously send a copy thereof to Adelphia; and

(5) That, on or before January 3, 2003, Adelphia shall file an original and fifteen (15) copies of any testimony and exhibits it intends to introduce in rebuttal, and simultaneously send a copy thereof to NOVEC.

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Alexander F. Skirpan, Jr.  
Hearing Examiner